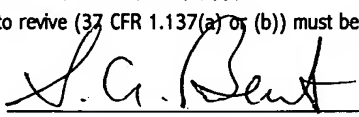


JC10 Rec'd PCT/PTO 21 APR 2005

FORM PTO-1390 (Modified)
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE
(REV 12-2004)

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|---|--|---|
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | ATTORNEY'S DOCKET NUMBER 034144-0104 |
| INTERNATIONAL APPLICATION NO. PCT/FI2003/000776 | | INTERNATIONAL FILING DATE 10/17/2003 |
| TITLE OF INVENTION SOLUBLE RNA POLYMERASE PROTEIN AND METHODS FOR THE USE THEREOF | | U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) Unassigned 10/532053 PRIORITY DATE CLAIMED 10/02/2002 |
| APPLICANT(S) FOR DO/EO/US Eugene MAKEYEV & Dennis BAMFORD | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | |
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <div style="margin-left: 20px;"> <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). <input checked="" type="checkbox"/> has been communicated by the International Bureau. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) </div> 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <div style="margin-left: 20px;"> <input type="checkbox"/> is attached hereto. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). </div> 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <div style="margin-left: 20px;"> <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau). <input checked="" type="checkbox"/> have been communicated by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input type="checkbox"/> have not been made and will not be made. </div> 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). | | |
| Items 11 to 20 below concern other document(s) or information included: | | |
| <ol style="list-style-type: none"> 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: Assertion of Small Entity Status, Preliminary Examination Report PCT/IPEA/409 | | |

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|--|--------------|---|-------------|---|------------|
| U.S. APPLICATION NO. (If known, see 37 CFR 1.5) Unassigned 16/532053 | | INTERNATIONAL APPLICATION NO. PCT/FI2003/000776 | | ATTORNEY'S DOCKET NUMBER 034144-0104 | |
| The following fees have been submitted: | | | | | |
| 21. <input checked="" type="checkbox"/> Basic national fee | \$300 | \$ | 300.00 | | |
| 22. <input checked="" type="checkbox"/> Examination fee | | \$ | 200.00 | | |
| If International preliminary examination report prepared by USPTO and all claims satisfy Provisions of PCT Article 33(1)-(4) | | \$100 | | | |
| All other situations | | \$200 | | | |
| 23. <input checked="" type="checkbox"/> Search fee | | | | | |
| Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority | | \$100 | | | |
| International Search Report prepared and provided to the Office | | \$400 | | | |
| All other situations | | \$500 | \$ | 500.00 | |
| TOTAL OF ABOVE 21, 22 and 23 = | | | \$ | 1000.00 | |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$ for each additional 50 sheets of paper or fraction thereof. | | | | | |
| Total Sheets | Extra sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE | | |
| 95 - 100 = 0 | /50 = | 0 | x \$250.00 | \$ | 0.00 |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)) | | | | \$ | 130.00 |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
| Total Claims | 40 - 20 = 20 | 20 | x \$ 50.00 | \$ | 1000.00 |
| Independent Claims | 5 - 3 = 2 | 2 | x \$ 200.00 | \$ | 400.00 |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$ 360.00 | \$ | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ | 2530.00 |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2. | | | | + | \$ 1265.00 |
| SUBTOTAL = | | | | \$ | 1265.00 |
| Processing fee of 130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). | | | | \$ | |
| TOTAL NATIONAL FEE = | | | | \$ | 1265.00 |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). 40.00 per property | | | | \$ | |
| TOTAL FEES ENCLOSED = | | | | \$ | 1265.00 |
| | | | | Amount to be refunded: | |
| | | | | charged: | |
| <p>a. <input type="checkbox"/> A check in the amount of \$1265.00 to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>19-0741</u> in the amount of \$1265.00 to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-0741</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charge to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> | | | | | |
| SEND ALL CORRESPONDENCE TO: | | | | | |
| Foley & Lardner LLP | | | | | |
| Customer Number: 22428 | | | | | |
|  SIGNATURE Stephen A. Bent NAME 29,768 REGISTRATION NUMBER Date: April 21, 2005 | | | | | |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eugene MAKEYEV et al.
Title: SOLUBLE RNA POLYMERASE PROTEIN AND METHODS FOR THE
USE THEREOF
Int'l. Appln. No.: PCT/FI2003/000776
Int'l. Filing Date: 10/17/2003
Examiner: Unassigned
Art Unit: Unassigned

ASSERTION OF SMALL ENTITY STATUS

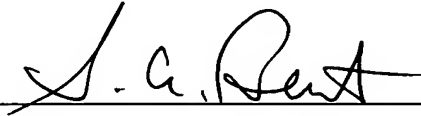
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.27(c)(1), Applicants hereby assert entitlement to small entity status in the above-identified application.

Respectfully submitted,

Date 21 April 2005

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5404
Facsimile: (202) 672-5399

Stephen A. Bent
Attorney for Applicant
Registration No. 29,768